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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 Robert Simpson and Mary Simpson, }

11 Plaintiffs, }

12 vs. }

13 Smith & Nephew, Inc., et al., }

14 Defendants. }

No. CV-13-08231-PCT-PGR

15  
16 ORDER

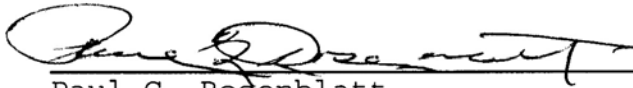
17 Pending before the Court is plaintiff Robert Simpson's Motion to File Under  
18 Seal Plaintiff's Motion to Enforce Settlement Agreement (Doc. 57), wherein the  
19 plaintiff asserted, without any supporting argument, that the underlying motion had  
20 to be submitted under seal pursuant to Toon v. Wackenhut Corrections Corp., 250  
21 F.3d 950 (5<sup>th</sup> Cir.2001), because confidentiality was a material term of the settlement  
22 agreement the plaintiff was seeking to enforce. The Court ordered defendant Smith  
23 & Nephew, Inc. to file a response to the motion to seal no later than April 17, 2015,  
24 wherein it was to set forth why the Motion to Enforce Settlement Agreement should  
25 remain sealed. No such response was filed. Instead, the plaintiffs Simpson filed a  
26 Notice of Settlement on April 16, 2015, and Plaintiff's Request to Dismiss on May 12,  
2015.

1 The Court finds that the motion to seal should be denied because no party has  
2 established that sealing the Motion to Enforce Settlement Agreement is proper under  
3 the governing standard of Kamakana v. City and County of Honolulu, 447 F.3d 1172,  
4 1180 (9<sup>th</sup> Cir.2006) (The court, noting the strong presumption in favor of access to  
5 judicial records, stated that “judicial records are public documents almost by  
6 definition, and the public is entitled to access by default.”) Therefore,

7 IT IS ORDERED that plaintiff Robert Simpson’s Motion to File Under Seal  
8 Plaintiff’s Motion to Enforce Settlement Agreement ( Doc. 57) is denied.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall unseal plaintiff  
10 Robert Simpson’s Motion to Enforce Settlement Agreement (part of Lodged Doc. 58)  
11 and his Notice of Filing Additional Support of Plaintiff’s Motion to Enforce Settlement  
12 Agreement & Stay Discovery Obligations (Lodged Doc. 64) and shall file those  
13 documents in the public docket.

14 DATED this 8<sup>th</sup> day of June, 2015.

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17 Paul G. Rosenblatt  
United States District Judge  
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